



California Department of Food and Agriculture
Legislative Office
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Legislation of Interest 2004

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE 2004 LEGISLATION OF INTEREST

2003-2004 LEGISLATIVE SESSION

This report summarizes legislation of interest to the Department of Food and Agriculture enacted or vetoed in 2004. The enacted bills summarized herein have an effective date of January 1, 2005, except those enacted as urgency measures which become effective immediately upon approval by the Governor.

INTERESTING FACTS FROM 2004

- ✓ Out of a total **844** bills sent to the Governor at the end of session, he signed **571**, and vetoed **273**. Overall, since Nov. 17, 2003, he acted on a total of **1270** bills, he signed **959** and vetoed **311** bills.
- ✓ CDFA submitted recommendations on **69** bills in 2004. Governor took CDFA's recommendation on **53** of those bills.
- ✓ CDFA sponsored **7** bills (including AJR 69, which the Governor did not take action since it was a resolution.) All were enacted successfully.

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Animals					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 1988	Schools: Irradiated Foods	No	AH	VETO	N/A
AB 2633	Grease: Hazardous and Solid Waste	No	AH	VETO	N/A
SB 89	Wild Animals: Domestic Ferrets	No	AH	VETO	N/A
SB 1520	Force Fed Birds	No	AH	SIGN	1/1/05
SB 1548	Veterinary Medicine	No	AH	SIGN	1/1/05
SB 1826	Dead Animals	No	AH	SIGN	1/1/05
SB 1840	Diseased Animals: TB	No	AH	SIGN	8/23/04

Fairs					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 347	District Agricultural Associations	No	FE	VETO	N/A
AB 2074	Fairs: Report	No	FE	SIGN	1/1/05

General Agriculture					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 923	Air Pollution	No	EP	SIGN	1/1/05
AB 2054	Biologically Integrated Farming	No	EP	SIGN	1/1/05
AB 2121	Water Resources	No	EP	SIGN	1/1/05
AB 2705	Crimes: Grand Theft	No	Eidson	VETO	N/A
SB 391	Pesticide Drift Exposure	No	OPCA	SIGN	1/1/05
SB 1856	Prescribed Burning Activities	No	EP	SIGN	1/1/05

Horse Racing					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 509	Horse Racing: Out-of-Country Thoroughbred Races	No	FE	SIGN	1/1/05
AB 701	Horse Racing: Worker's Compensation	No	FE	SIGN	5/13/04
AB 900	Horse Racing: Worker's Compensation	No	FE	VETO	N/A
AB 2276	Horse Racing: Backstretch	No	FE	SIGN	1/1/05
AB 3083	Horse Racing	No	FE	VETO	N/A
SB 1183	Horse Racing	No	FE	SIGN	1/1/05
SB 1227	Horse Racing: Distribution	No	FE	SIGN	1/1/05
SB 1288	Horse Racing Distribution	No	FE	SIGN	1/1/05

Inspections					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 1071	Commercial Feed: Inspection Tonnage Tax	No	IS	SIGN	1/1/05
AB 1726	Agriculture: Certified Farmer's Markets	No	IS	SIGN	1/1/05
AB 2920	Nursery Stock	No	IS	SIGN	1/1/05
SB 1910	Agriculture: Fruit, Nut, & Vegetable Standards	No	IS	SIGN	1/1/05

Land					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 32	Housing: Farmworker Housing	No	EP	SIGN	1/1/05
AB 1462	Housing: Farmworker Housing	No	EP	SIGN	1/1/05
AB 2055	General Plan Element	No	EP	VETO	N/A
AB 2063	Chino Agricultural Preserve	No	EP	SIGN	1/1/05
AB 3090	CEQA: Ballot Initiative	No	EP	VETO	N/A
SB 18	Traditional Tribal Cultural Places	No	EP	SIGN	1/1/05
SB 1334	Oak Woodlands Conservation: Environmental Quality	No	EP	SIGN	1/1/05
SB 1820	Land Conservation Contracts	No	EP	SIGN	1/1/05
SB 1889	Environmental Protection: Actions Against Agency	No	EP	SIGN	1/1/05

Marketing					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 2257	California Pepper Commission	No	MS	SIGN	1/1/05
SB 1911	Milk Handlers: Surety Bonds	No	MS	SIGN	1/1/05

Measurement Standards					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 1721	Prices: Overcharges	No	DMS	SIGN	1/1/05
AB 1887	Motor Fuel: Signage	No	DMS	SIGN	1/1/05
AB 2007	Business	No	DMS	SIGN	1/1/05
AB 2655	Agreements	No	DMS	VETO	N/A

Milk/Dairy					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 2916	Milk Products: Licensing Fees	No	AH	SIGN	1/1/05
AB 3025	Agriculture	No	AH	SIGN	1/1/05
AB 3045	Milk: Inspection Fees	No	AH	SIGN	1/1/05
AB 3046	Milk Inspection	No	AH	SIGN	1/1/05

Miscellaneous					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 2504	Pupil Nutrition	No	Eidson	VETO	N/A
AB 2701	Environmental Protection: Reports	No	Eidson	SIGN	1/1/05
AJR 69	Specialty Crops	No	Eidson	SIGN	6/25/04
SB 1102	Omnibus General Government Trailer Bill Necessary to Implement the 2004/2005 Budget	No	AS	SIGN	1/1/05
SB 1107	Omnibus Resources Trailer Bill Necessary to Implement the 2004/2005 Budget	No	EP	VETO	N/A

Plant/Pests					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 1454	Vector Control	No	AH	SIGN	1/1/05
AB 1896	Agricultural Inspectors	No	PH	SIGN	1/1/05
AB 2140	Desert Species: Fines	No	PH	SIGN	1/1/05
AB 2631	Natural Resources: Invasive Species	No	PH	VETO	N/A
AB 3024	Seed Law	No	PH	SIGN	1/1/05
SB 1226	State Grass	No	PH	SIGN	1/1/05
SB 1264	Natural Resources	No	PH	SIGN	1/1/05
SB 1604	Pest Control: Pierce's Disease	No	PDCP	SIGN	1/1/05
SB 1650	Pest Control: Pierce's Disease	No	PDCP	SIGN	1/1/05
SB 1901	Grape Testing	No	IS	VETO	N/A

Water					
Bill	Subject	Report to Leg.	Division	Sign/ Veto	Effective Date
AB 105	Agriculture and Water Omnibus Act of 2004	No	EP	SIGN	1/1/05
AB 2476	Sacramento-San Joaquin Delta	No	EP	VETO	N/A
AB 2529	Water Quality: Marine Managed Areas	No	EP	SIGN	1/1/05
SB 86	Sacramento-San Joaquin Delta Conservancy Program	No	EP	VETO	N.A
SB 1089	State Water Pollution Control Revolving Fund	No	EP	SIGN	1/1/05
SB 1155	Water Quality Standards: Sacramento-San Joaquin Delta	No	EP	SIGN	1/1/05
SB 1214	Salton Sea Restoration: Restoration Study	No	EP	SIGN	1/1/05

Legislation of Interest 2004

Animals

AB 1988 (Hancock, Schools: Irradiated Foods)

Governor's Action: VETOED

Bill Summary: Prohibits a school from serving irradiated foods, unless specified conditions regarding those sales are met.

AB 2633 (Frommer, Grease: Hazardous and Solid Waste)

Governor's Action: VETOED

Bill Summary: Would enact the Interceptor Grease Transportation, Recycling and Disposal Act of 2004. This proposal creates, without justification, a new class of inedible kitchen grease.

SB 89 (Alpert, Wild Animals: Domestic Ferrets)

Governor's Action: VETOED

Bill Summary: Would require the Department of Fish and Game to issue a certificate of amnesty, to any person who owns a domestic ferret on the mainland of our State, if the owner is able to produce documentation from a licensed veterinarian that the ferret has been both vaccinated against rabies, and has been spayed or neutered. In addition, this bill would authorize the department to collect a fee of not more than \$75.00 for the issuance of each certificate of amnesty.

SB 1520 (Burton, Force Fed Birds)

Governor's Action: SIGNED

Chapter #: 904

Bill Summary: Would prohibit a person from force feeding a bird for the purpose of enlarging the bird's liver beyond normal size, and prohibits a person from hiring another person to do so.

SB 1548 (Figueroa, Veterinary Medicine)

Governor's Action: SIGNED

Chapter #: 467

Bill Summary: Would require every insurer providing liability insurance to a licensed veterinarian to send a complete report to the Veterinary Medical Board (VMB) of any settlement or arbitration award over a certain amount. Additionally, this bill would extend the provisions establishing the VMB, and require any licensee to report suspected animal abuse to the appropriate law enforcement entity.

SB 1826 (Poochigian, Dead Animals)

****CDFA-Sponsored Legislation****

Governor's Action: SIGNED

Chapter #: 187

Bill Summary: Existing law requires persons engaged in the business of hauling dead cattle, sheep, swine, goats, horses, or other large domesticated animals, or parts thereof, to obtain a dead hauler's license from the Department. Existing law also prohibits transporting carcasses to locations other than licensed rendering plants, licensed collection centers, animal diagnostic laboratories or the nearest crematory.

SB 1840 (Denham, Diseased Animals: TB)

****CDFA-Sponsored Legislation****

Governor's Action: SIGNED

Chapter #: 246

Bill Summary: This Department sponsored bill would revise various provisions relating to bovine tuberculosis and tuberculosis control areas, and transfers powers from the Secretary to the State Veterinarian.

Fairs

AB 347 (Kehoe, District Agricultural Associations)

Governor's Action: VETOED

Bill Summary: Authorizes the board of the 22nd District Agricultural Association (San Diego County Fair) to approve a recruitment and retention pay differential to a maximum of 35 percent for exempt and excluded fair employees, with review by the Secretary of the California Department of Food and Agriculture.

AB 2074 (Runner, Fairs: Report)

Governor's Action: SIGNED

Chapter #: 341

Bill Summary: Would require every fair within the network of California fairs to file a detailed statement of its prior year operations with the Department within 90 days of the end of that fiscal year.

General Ag

AB 923 (Firebaugh, Air Pollution)

Governor's Action: SIGNED

Chapter #: 707

Bill Summary: Would allow air districts to raise up to \$80M statewide for clean air programs with a \$2 increase in vehicle registration fee surcharge and an additional tire recycling fee of \$0.75. The funds can be used to fund air

quality incentive programs including the Carl Moyer Memorial Air Quality Standards Attainment Program, school bus replacement/retrofit, vehicle scrappage programs, reductions from agricultural sources of air pollution, and programs to mitigate emissions from vehicle tires.

AB 2054 (Wolk, Biologically Integrated Farming)

Governor's Action: SIGNED

Chapter #: 446

Bill Summary: Would delay, by five years to December 31, 2010, the sunset date for new UC pilot demonstration projects designed to provide extension services, training, and financial incentives for participating farmers to implement biologically integrated farming systems (BIFS).

AB 2121 (Committee on Budget, Water Resources)

Governor's Action: SIGNED

Chapter #: 943

Bill Summary: Would require the State Water Resources Control Board (SWRCB) to adopt principles and guidelines for maintaining in-stream flows in northern California coastal streams associated with applications for water appropriation. This bill would also require SWRCB to provide annual status reports on water rights applications within certain northern California counties including previous year actions on the application and projected actions for the coming year.

AB 2705 (Goldberg, Crimes: Grand Theft)

Governor's Action: VETOED

Bill Summary: The bill would increase the threshold amount that constitutes grand theft for the following:

- 1.) Where the money, labor, or real or personal property taken is aggregated in any consecutive 12-month period, from \$400 to \$800.
- 2.) When domestic fowls, avocados, citrus, fruits, vegetables, nuts, artichokes or other farm crops are taken, from \$100 to \$200.
- 3.) When fish, shellfish, mollusks, crustaceans, kelp, algae, or other aquacultural products are taken from a commercial or research operation which is producing that product, from \$100 to \$200.

SB 391 (Florez, Pesticide Drift Exposure)

Governor's Action: SIGN

Chapter #: 913

Bill Summary: Would make a person found to have violated provisions relating to pesticides, liable for certain costs related to a resulting illness or injury. This bill would provide that the exposure of each person to pesticide shall constitute a separate violation of related provisions. This bill would require the California Environmental Protection Agency to establish minimum standard protocols for the purposes of amending area plans. This bill would require the

certified unified program agency to amend the area plan for emergency response.

SB 1856 (Bowen, Prescribed Burning Activities)

Governor's Action: SIGNED

Chapter #: 693

Bill Summary: Would provide a uniform definition of "prescribed burning" in four code sections and make other technical changes.

Horse Racing

AB 509 (J. Horton, Horse Racing: Out-of-Country Thoroughbred Races)

Governor's Action: SIGNED

Chapter #: 235

Bill Summary: Existing law provides that, subject to limitations, a thoroughbred racing association or fair may distribute the audiovisual signal and accept wagers on the results of out-of-state and out-of-country races during the calendar period the association or fair is conducting a race meeting. This urgency measure would amend this provision to allow the 23-race-per-day limitation to apply only to out-of-state races in the United States.

AB 701 (J. Horton, Horse Racing: Worker's Compensation)

Governor's Action: SIGNED

Chapter#: 40

Bill Summary: Will mandate a separate deduction from the exotic parimutuel pools of California thoroughbred races or racing associations and fairs at the racing facilities, satellite facilities, betting systems that accept wagers from State residents, and betting systems that accept wagers on races in the State from residents of other states to be expended to mitigate workers' compensation costs.

AB 900 (J. Horton, Horse Racing: Worker's Compensation)

Governor's Action: VETOED

Bill Summary: Provides for deductions from the total amount wagered on horse racing (the "handle") to address the increase in workers' compensation costs within the California horse racing industry.

AB 2276 (Dymally, Horse Racing: Backstretch)

Governor's Action: SIGNED

Chapter #: 99

Bill Summary: This measure would require, upon request of the appropriate welfare program administrator, that backstretch employers submit in either written or electronic form, any employment records deemed necessary for

prompt payment of benefits and administration of the program. Additionally, the bill would require employers, upon request, to provide administrators access to any employment record necessary for prompt payment of benefits and administration of the program.

AB 3083 (Assembly Governmental Organization Committee, Horse Racing)

Governor's Action: VETOED

Bill Summary: Would define three additional terms related to horse racing: "takeout", "handle", and "advance deposit wagering".

SB 1183 (Margett, Horse Racing)

Governor's Action: SIGNED

Chapter #: 232

Bill Summary: Would add three races to the current California Horse Racing Board (CHRB) authorization for a harness racing association to simulcast and accept wagers on imported out-of-state races.

SB 1227 (Karnette, Horse Racing: Distribution)

Governor's Action: SIGNED

Chapter #: 918

Bill Summary: Would prohibit overlapping race dates with racing activity at the Los Angeles County Fair (LACF) under specified conditions. This bill would also authorize the LACF to retain a specified portion of the license fee applicable to its race meeting for payment of a capital expense loan incurred for the purpose of improving its horse racing facilities.

SB 1288 (Karnette, Horse Racing: Distribution)

Governor's Action: SIGNED

Chapter #: 122

Bill Summary: Would increase the percentage of funds distributed to the Standardbred Sires Stakes Program.

Inspections

AB 1071 (Matthews, Commercial Feed: Inspection Tonnage Tax)

Governor's Action: SIGNED

Chapter #: 929

Bill Summary: Would authorize the Secretary of Food and Agriculture to designate a portion of the inspection tonnage taxes collected on commercial feed, to provide funding for research and education regarding the safe manufacture, distribution, and use of commercial feed. In addition, this bill would authorize registered transporters or licensed renderer of inedible kitchen grease to deliver such grease to a rendered or collection center for processing or recycling into usable products.

**AB 1726 (Assembly Agriculture Committee, Agriculture:
Certified Farmers Markets)**

Governor's Action: SIGNED

Chapter #: 443

Bill Summary: Would extend the sunset, to January 1, 2007, of code provisions that permit the Department to collect certified farmers' market fees. This bill would enable the Department, effective January 1, 2004, to impose and collect a penalty on certified farmers' market operators who fail to pay the required fees within a specified time period. In addition, this bill would continue, till January 1, 2007, the authority of the Secretary of the Department of Food and Agriculture and the county agricultural commissioners to impose administrative civil penalties which include fines of up to \$1,000 and/or suspensions of up to of 18 months for certified producers and certified farmers' markets found to be in violation of specific procedures of the certified farmers' market laws and regulations

AB 2920 (Laird, Nursery Stock)

Governor's Action: SIGNED

Chapter #: 170

Bill Summary: Would 1) repeal the sunset date of July 1, 2005 on existing provisions that require the Secretary of Food and Agriculture to establish the nursery license fee at an amount not to exceed \$180; 2) extend this fee indefinitely; 3) allow the Secretary to fix the nursery license fee at an amount less than \$180 based upon the operational needs of the program; and 4) repeal provisions that become operative on July 1, 2005 to re-establish the nursery license fee at an amount not to exceed \$100.

**SB 1910 (Senate Agriculture & Water Resources Committee,
Agriculture: Fruit, Nut, & Vegetable Standards)**

Governor's Action: SIGNED

Chapter#: 146

Bill Summary: Would extend the repeal date of existing law that requires the Secretary of Food and Agriculture to create an industry-funded standardization program for the purpose of implementing standards for fruits, nuts, and vegetables.

Land

AB 32 (Salinas, Housing: Farmworker Housing)

Governor's Action: SIGNED

Chapter #: 866

Bill Summary: Authorizes a local public agency, nonprofit corporation, or limited partnership that constructs or rehabilitates farmworker housing for agricultural employees with public funds to enter into a lease agreement with an agricultural

employer for farmworker housing for a term of more than 1 year if the agricultural employer agrees to lease the farmworker housing on the same terms that would otherwise be included in a rental agreement with such entities.

AB 1462 (Salinas, Housing: Farmworker Housing)

Governor's Action: SIGNED

Chapter #: 672

Bill Summary: Allows the Department of Housing and Community Development (HCD) to waive the requirement that applicants to the Joe Serna Jr. Farmworker Housing Grant Program (FWHG) provide matching funds. This bill allows the Cal-Home loan program to provide secured forgivable loans to low-income households for the purposes of rehabilitating, repairing, or replacing a manufactured home in a mobilehome park that is not permanently affixed to a foundation thereby reducing the number of units built and increasing pressure on the General Fund.

AB 2055 (Wolk, General Plan Elements)

Governor's Action: VETOED

Bill Summary: Would amend state general planning law to elevate the importance of planning for the conservation of agricultural land by: (1) renaming the general plan open space element to the "agricultural and open space element"; (2) adding language to existing open space planning law in support of the conservation of agricultural land as an economic resource; and, (3) including in the purposes of a local general plan's conservation element, the conservation of agricultural lands.

AB 2063 (Negrete McLeod, Resource Conservation: Chino Agricultural Preserve)

Governor's Action: SIGNED

Chapter #: 377

Bill Summary: Would authorize San Bernardino County to sell Chino Agricultural (dairy) Preserve lands it previously acquired with Proposition 70 (1988) funds. Further, this bill would authorize that proceeds from the sale may be used to acquire replacement agricultural lands elsewhere in the Chino Agricultural Preserve, subject to specified conditions.

AB 3090 (J. Horton, CEQA: Ballot Initiative)

Governor's Action: VETOED

Bill Summary: Would direct the Governor's Office of Planning and Research (OPR) to recommend to the Resources Agency changes to the CEQA Guidelines necessary to embody a 2001 California Supreme Court holding that voter-approved ballot initiatives cannot be used to circumvent the normal review of a project's environmental impacts under CEQA. AB 3090 would further require the Resources Agency to certify and adopt revisions to the guidelines based on OPR's recommendations.

SB 18 (Burton, Traditional Tribal Cultural Places)

Governor's Action: SIGNED

Chapter #: 905

Bill Summary: Would provide several measures to increase the protection of traditional tribal cultural places. These places include Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines. The measure would: 1) allow tribes to acquire and hold conservation easements; 2) require the Office of Planning and Research to prepare General Plan guidelines; 3) require a planning agency to consult with tribes on or after March 1, 2005, when preparing or amending a General Plan; and 4) include open space for the protection of traditional tribal cultural places.

SB 1334 (Kuehl, Oak Woodlands Conservation: Environmental Quality)

Governor's Action: SIGNED

Chapter #: 732

Bill Summary: Would require counties with oak woodlands to consider certain oak conservation mitigation alternatives for oak woodlands that are proposed to be converted.

SB 1820 (Machado, Land Conservation Contracts)

Governor's Action: SIGNED

Chapter #: 794

Bill Summary: Would relate to current fair market valuations required to determine the cancellation fee for removing land from a Williamson Act conservation contract subject to appeal. This bill would require the assessor to notify the landowner and the Department of Conservation of the opportunity to request formal review from the assessor. In addition, this bill would set forth the procedures for formal review and any recomputation of the cancellation fee.

SB 1889 (Senate Environmental Quality Committee, Environmental Protection: Actions Against Agency)

Governor's Action: SIGNED

Chapter #: 744

Bill Summary: Would define a trustee agency, for purposes of the California Environmental Quality Act (CEQA), as a state agency that has jurisdiction by law over natural resources affected by a project that are held in trust for the people of the state. This bill would also require specified agencies, including local lead agencies, to consult with trustee agencies before making specified determinations under CEQA or completing an environmental impact report.

Marketing

AB 2257 (Salinas, California Pepper Commission)

Governor's Action: SIGNED

Chapter #: 167

Bill Summary: Would provide that a pepper-marketing year means the period beginning March 1 of any year and extending through the last day of February of the next year. Provides the commission shall be made up of 5 defined districts. This bill would define the term of office each member to be 3 years. This bill would also eliminate provisions providing that the term of office of each member and alternate member of the California Pepper Commission be limited to 3 consecutive terms.

SB 1911 (Committee on Agriculture and Water Resources, Milk: Handlers: Surety Bonds)

Governor's Action: SIGNED

Chapter #: 70

Bill Summary: Would require that a surety bond, as mandated by Food and Agricultural Code Sections 61405 (for manufacturing milk) and 62182 (market milk), be issued for each *calendar* year that a milk handler is licensed. Existing law requires that a surety bond be issued for a *license* year. (Milk handler licenses are issued for a period of two calendar years.) The Department currently requires that milk handlers provide to the Department a bond with a *three-year* cumulative condition included. Bond amounts are determined according the volume of milk handled each month by a handler.

Measurement Standards

AB 1721 (Koretz, Prices: Overcharges)

Governor's Action: SIGNED

Chapter #: 752

Bill Summary: Would prohibit any person, at the time of sale of a commodity, from charging an amount greater than the price or computing an amount greater than a true extension of the price per unit, that is then advertised, posted, marked, displayed or quoted for that commodity or to charge an amount greater than the lowest price. In addition, this bill would provide, when more than one price for the same commodity is advertised, posted, marked, displayed or quoted, that the person offering the commodity shall charge the lowest price.

AB 1887 (Nakanishi, Motor Fuel: Signage)

Governor's Action: SIGNED

Chapter #: 72

Bill Summary: Will allow the placement of additional advertising matter on motor fuel signs that could not be construed as relating to the price of motor fuel or motor oil by any reasonable person.

AB 2007 (Assembly Business and Professions Committee, Business)

Governor's Action: SIGNED

Chapter #: 676

Bill Summary: Would clarify that no administrative costs shall be imposed for violations for which civil penalties are imposed under existing law which authorizes any sealer to level a civil penalty against a person who violates specified laws or regulations governing weights and measures. This bill would also authorize a person applying for the real estate license exam, to also apply for the actual license, which would only be granted upon exam passage.

AB 2655 (Bates, Agreements)

Governor's Action: VETOED

Bill Summary: Would authorize the Secretary of Food and Agriculture to enter into agreements with organizations having accuracy standards related to water submeters, including, but not limited to, the International Association of Plumbing and Mechanical Officials (IAPMO), the American National Standards Institute (ANSI)/American Society of Mechanical Engineers (ASME.)

Milk/Dairy

AB 2916 (Negrete McLeod, Milk Products: Licensing Fees)

****CDFA-Sponsored Legislation****

Governor's Action: SIGNED

Chapter #: 457

Bill Summary: Would reinstate the volume provision of the license fee in Food and Agriculture Code §35221 for persons engaged in the business of processing products other than frozen dairy products for which a license is required. This bill would require personal licenses to expire two years from the date of issue, and requires the completion of refresher courses, as specified in Food and Agriculture Code §35171. In addition, this bill would increase license and renewal fees contained in Food and Agriculture Code §35231 for testers, samplers and weighers, technicians, pasteurizers, and butter graders, and provides for a limited sampler's and weigher's license category and fee.

AB 3025 (Assembly Agriculture Committee, Agriculture)

****CDFA-Sponsored Legislation****

Governor's Action: SIGNED

Chapter #: 460

Bill Summary: This Department-sponsored omnibus bill would revise various provisions of existing law relating to agriculture. This bill would: 1)

provide that the withdrawal period for fluphenazine and reserpine is 45 days after administration, 2) provide cleanup language to include “water buffalo” and other hooved animals, and their lacteal secretions, in the definitions of dairy farm and milk, 3) authorize a public hearing to be held at least every 24 months regarding the addition or deletion of native plants that may not be harvested in the state, and 4) provide that the California Agricultural Commissioners and Sealers Association shall be recognized as the official representative body on behalf of the County Agricultural Commissioners and Sealers.

AB 3045 (Assembly Agriculture Committee, Milk: Inspection Fees)

****CDFA-Sponsored Legislation****

Governor’s Action: SIGNED

Chapter #: 352

Bill Summary: Existing law specifies that the director shall fix the fee for dairy farm inspection at a level that doesn’t exceed the actual directly related costs. It also specifies that the inspection fee for producers who sell market milk at wholesale, sold as graded market milk, not exceed three mils (\$0.003) per gallon of the first 45,000 gallons on graded market milk. This bill would authorize the Secretary of the Department to recover additional costs at dairies requiring disproportional or unusual levels of inspection services due to noncompliance with routine inspection activities.

AB 3046 (Assembly Agriculture Committee, Milk Inspection)

****CDFA-Sponsored Legislation****

Governor’s Action: SIGNED

Chapter #: 436

Bill Summary: Existing law, Food and Agricultural Code §32814, specifies the penalties and fines for a dairy producer found to have produced milk in violation of the drug residue provisions in statute. This bill would clarify that in addition to the penalties specified, a dairy producer found to have violated the drug residue provisions, shall be liable to the California Department of Food and Agriculture (CDFA) for the direct costs of enforcement, including, but not limited to, the direct costs associated with the conduct of all inspections, initial and follow up.

Miscellaneous

AB 2504 (Maldonado, Pupil Nutrition: New Pilot Project)

Governor’s Action: VETOED

Bill Summary: Would require the Department of Health Services (DHS) to administer a two-year pilot program to making fresh and dried fruits and vegetables available free of charge, to pupils in 25 elementary and secondary schools throughout the state that meet eligibility requirements established by the bill. This would require a participating school to submit biennial and final reports

to DHS, Department of Food and Agriculture, and the State Department of Education as specified.

AB 2701 (Runner, Environmental Protection: Reports)

Governor's Action: SIGNED

Chapter #: 644

Bill Summary: Would require the California Integrated Waste Management Board to develop and implement guidelines to provide and produce reports and other documentation, including guidance documents, fact sheets, and other publications and written materials in the most efficient and environmentally sustainable manner possible. This bill would require the guidelines to include the distribution of reports and other documentation by electronic means and compact discs, and agency web sites.

AJR 69 (Committee on Agriculture, Specialty Crops)

Governor's Action: SIGNED

Resolution Chapter: 104

Bill Summary: California is the nation's largest producer of specialty crops (defined as any agricultural crop except wheat, feed grains, oilseeds, cotton, rice, peanuts, and tobacco). House Resolution (HR) 3242, introduced in the United States Congress appropriates federal funds to specialty crop producing states for the benefit of specialty crop producers within that state. AJR 69 provides for the California State Legislature's support for the passage of HR 3242.

SB 1102 (Committee on Budget & Fiscal Review, Omnibus General Government Trailer Bill Necessary to Implement the 2004/ 2005 Budget)

Governor's Action: VETO

Bill Summary: Would add Section 221.1 to the Food and Agricultural Code to require the department to establish all permanent positions with the State Controllers Office. This section would also require the department to report to the Legislature by January 10, 2005 on the positions established and funded by the department's general authority. In addition, this bill would amend Government Code Section 12439 of the Government Code authorizing the Director of Finance to reestablish positions that otherwise would be subject to abolishment by the State Controller, if vacant for six consecutive pay periods, so long as the position is funded from moneys appropriated pursuant to Section 221.1 of the Food and Agriculture Code and directly responds to unforeseen agricultural circumstances requiring the relative expertise that the position provides.

SB 1107 (Committee on Budget & Fiscal Review, Omnibus Resources Trailer Bill Necessary to Implement the 2004/ 2005 Budget)

Governor's Action: VETO

Bill Summary: Would enact the California River Parkways Act of 2004 and require the Secretary of the Resources Agency to make grants available to public agencies and nonprofit organizations for river parkway projects. SB 1107 would appropriate \$7,850,000 from Proposition 40 bond funds and \$30,500,000 from Proposition 50 bond funds to operationalize this grant program.

Plant/Pests

AB 1454 (Canciamilla, Vector Control)

Governor's Action: SIGNED

Chapter #: 41

Bill Summary: Requires state and local agencies responding to an outbreak of West Nile virus or other mosquito-borne diseases with an abatement and surveillance program to contract with a local mosquito and vector control agency that is a party to the cooperative agreement with the Department of Health Services (DHS), or to consult directly with the department.

AB 1896 (J. Horton, Agricultural Inspectors)

Governor's Action: SIGNED

Chapter #: 631

Bill Summary: Would requires 33% of all agricultural inspector aides performing work under a cooperative agreement between a county and the Secretary of Food and Agriculture to be afforded the same protections as permanent employees for 2004-05 fiscal year and 66% for the 2005-06 and 2006-07 fiscal years. This bill would appropriate \$380,000 for agricultural plant and animal pest and disease prevention activities in Los Angeles County required by law.

AB 2140 (Runner, Desert Species: Fines)

Governor's Action: SIGNED

Chapter #: 421

Bill Summary: Existing law specifies penalties for violation of prohibitions related to California native desert plants. This bill would make technical changes in the Food and Agriculture Code to increase the penalties for violations of existing native desert plant species protection requirements. Penalties for violation of the Food and Agriculture Code related to the protection of California native desert plants would increase fines from not less than \$300 nor more than \$1,000 to a fine of not less than \$1,500 nor more than \$2,500.

AB 2631 (Wolk, Natural Resource: Invasive Species)

Governor's Action: VETOED

Bill Summary: Would establish the Invasive Species Council to develop a statewide invasive species plan and make recommendations for review and approval by the Governor for the prevention, early detection and rapid response, and control and management of nonnative and invasive species. This bill would require the plan to include specified elements including an assessment of existing programs addressing invasive species.

AB 3024 (Assembly Agricultural Committee, Seed Law)

Governor's Action: SIGNED

Chapter #: 459

Bill Summary: Would authorize the Secretary of the Department of Food and Agriculture to enlist the aid of the local county commissioner and qualified representatives of the commissioner to enforce provisions of the California Seed Law.

SB 1226 (Machado, State Grass)

Governor's Action: SIGNED

Chapter #: 243

Bill Summary: Would make purple needlegrass, or *Nassella Pulchra*, the official state grass.

SB 1264 (Committee on Natural Resources and Wildlife, Natural Resources)

Governor's Action: SIGNED

Chapter #: 286

Bill Summary: Would repeal Section 64.5 of the Harbors and Navigation Code. The bill would also clean up language in the Public Resources Code relating to deadlines long since past for submission of documents, and make technical, non substantive changes to provisions relating to programs in Parks and Recreation, as well as repealing sections relating to the State Lands Commission, the Ventura-Los Angeles Mountain and Coastal Study Commission, the State Energy Resources Conservation and Development Commission, and the California Coastal Commission.

SB 1604 (Ashburn, Pest Control: Pierce's Disease)

Governor's Action: SIGNED

Chapter #: 400

Bill Summary: Would amend the California Table Grape Pest and Disease Control District Law to: reduce the petition threshold to form a district to 15% of table grape acreage owners (rather than the current formula of 65% owners & 50% acreage, or vice versa); clarify that voting, petition, and assessment issues pertain to owners of affected acreage, rather than growers; establish that votes on assessment levels shall be conducted in accordance with the voting requirements of Proposition 218; clarify that other commodity groups can participate fully in pest control districts; establish and define the term "other designated pests and diseases," and clarify that the districts can focus on other designated pests and diseases besides Pierce's disease and the glassy-winged sharpshooter; remove the words "control" and "abatement" from district names; replace the term "land" with the term "acreage"; clarify that acreage cannot be excluded from the district if it presents a pest risk to the district; and make other conforming and editorial changes.

SB 1650 (Chesbro, Pest Control: Pierce's Disease)**Governor's Action:** SIGNED**Chapter #:** 485

Bill Summary: Would change the repeal date of existing law that established the Pierce's Disease Control Program within the Department of Food and Agriculture and the Pierce's Disease Management Account in the Food and Agriculture Fund. This bill would also extend the repeal of existing law that created the Pierce's Disease and Glassy-winged Sharpshooter Board with the department. In addition, this bill would authorize expenditures from the fund for costs to conduct a referendum and for research and other activities related to Pierce's disease and its vectors.

SB 1901 (Alarcon, Grape Testing)**Governor's Action:** VETOED

Bill Summary: Would prohibit employers from requiring harvesting employees to taste or consume unwashed grapes in the field or prior to processing, except in limited circumstances and under certain conditions. In addition, this bill would impose civil penalties for employers who violate the bill's provisions.

Water

AB 105 (Wiggins: Agriculture and Water Omnibus Act of 2004)**Governor's Action:** SIGNED**Chapter #:** 497

Bill Summary: Would repeal the provisions establishing the California Environmental Quality Improvement Revolving Loan Program. This bill would require an urban water supplier to submit a copy of its urban water management plan to the State Library. In addition, this bill would authorize the Department of Conservation (DOC) to make grants from the California Safe Drinking Water Fund to specified entities for the purposes of financing domestic water system improvement projects that meet certain standards.

AB 2476 (Wolk, Sacramento-San Joaquin Delta)**Governor's Action:** VETOED

Bill Summary: Would revise the Delta Protection Commission's powers and duties by providing that a resource management plan reviewed by the commission shall be approved by a majority vote after at least 3 public hearings. This bill would require the Director of State Planning and Research to submit comments to the commission before the plan is updated. In addition, this bill would require, rather than authorize, local governments or local agencies to modify appealed actions pertaining to the delta and to resubmit them to the commission for review.

AB 2529 (Kehoe, Water Quality: Marine Managed Areas)

Governor's Action: SIGNED

Chapter #: 714

Bill Summary: Would revise the Delta Protection Commission's powers and duties by providing that a resource management plan reviewed by the commission shall be approved by a majority vote after at least 3 public hearings. This bill would require the Director of State Planning and Research to submit comments to the commission before the plan is updated. In addition, this bill would require, rather than authorize, local governments or local agencies to modify appealed actions pertaining to the delta and to resubmit them to the commission for review.

SB 86 (Machado, Sacramento-San Joaquin Delta Conservancy Program)

Governor's Action: VETOED

Bill Summary: Would establish the Sacramento-San Joaquin Delta Conservancy Program for the purpose of restoring, enhancing and protecting the unique agricultural, economic, natural, cultural, recreational, public access and urban waterfront resources and opportunities of the delta. This bill would create the Sacramento-San Joaquin Delta Conservancy Program Account for the purpose of depositing and disbursing funds for the implementation of the program.

SB 1089 (Johnson, State Water Pollution Control Revolving Fund)

Governor's Action: SIGNED

Chapter #: 559

Bill Summary: Would require the State Water Resources Control Board (State Water Board) as administrator for the State Water Pollution Control Revolving Fund (SWPCRF), to give funding priority to certain types of eligible projects, which include those projects undertaken in response to an administrative enforcement order. The SWPCRF is comprised of continuously appropriated state and federal funds used for the construction of publicly owned treatment works and other related purposes in accordance with the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act (Porter Cologne Act).

SB 1155 (Machado, Water Quality Standards: Sacramento-San Joaquin Delta)

Governor's Action: SIGNED

Chapter #: 612

Bill Summary: Would require the Department of Water Resources (DWR), in collaboration with the Secretary of the Interior, to develop a plan to meet all existing license and permit conditions specified in State Water Resources Control Board (State Water Board) Decision No. 1641 (D-1641). In addition, this bill

would require that copies of the completed plan be distributed to the State Water Board and the California Bay-Delta Authority prior to increasing the pumping rate from the existing 6700 cubic feet per second (cfs) at the Harvey O. Banks Pumping Plant.

SB 1214 (Kuehl, Salton Sea Restoration: Restoration Study)

Governor's Action: SIGNED

Chapter #: 614

Bill Summary: Would establish an evaluation of alternatives for the restoration of the Salton Sea that includes consideration of strategies for salinity control, habitat creation and restoration, and different shoreline elevations and surface area configurations. This bill would require the evaluation to include suggested criteria for selecting and evaluating alternatives consistent with the Salton Sea Restoration Act and at least one cost-effective, technically feasible alternative.